

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)
 Atty Childs, Jerry F., sole practitioner (also for Erlinda M. Verni, surviving spouse)
 Atty Baldwin, Kenneth; Thompson, Timothy L.; Cunningham, Nikole E.; of McCormick Barstow (for Nicola Verni, son, and Antonietta R. Verni, daughter, Trustees)
 Atty Jaech, Jeffrey A.; Marchini, Joseph M.; of Baker Manock & Jensen (for Carmela DeSantis, daughter and beneficiary)

Status Hearing

DOD: 5/25/2009		<p>ERLINDA M. VERNI, spouse, filed on 5/13/2010 a <i>Petition to Set Aside the Non-Probate Transfer of Community Property on Death</i>, by <i>Married Person Without Consent of Spouse</i>; an Amended Petition was filed on 7/30/2010; <i>Second Amended Petition</i> was filed on 10/29/2010.</p> <p>ANTONIETTA ROSA VERNI, daughter and Successor Trustee of the VERNI FAMILY TRUST and the VERNI MARITAL TRUST, and NICOLA VERNI, son and Successor Trustee of the VERNI SURVIVOR'S TRUST, filed on 9/3/2010 a <i>Response to Amended Petition to Set Aside the Non-Probate Transfer of Community Property, etc.</i>; <i>Response to Second Amended Petition</i> was filed on 2/18/2011.</p> <p>Progression of this matter most recently culminated in a Statement of Decision filed 3/14/2013, which ordered, among the substantive holdings, that the parties shall contact the Clerk of Department 303 to set a mutually agreeable date for this Status Conference of no more than 30 minutes regarding outstanding issues remaining before the Court.</p> <p>Notice of Setting Hearing (Probate) filed 6/28/2013 set this Status Hearing on 8/30/2013 at 9:00 a.m. in Department 303.</p> <p>Trustees' Status Report filed 8/16/2013 by Attorney Nikole Cunningham on behalf of Trustees NICOLA VERNI and ROSA VERNI states:</p> <ul style="list-style-type: none"> The parties engaged in a 2-day Court Trial heard on 6/1/2012 and 6/11/2012, in order to determine the validity of the Post-Marital Agreement executed by Saverio Verni and Erlinda Verni; At the conclusion of the trial, the Court ruled that the Post-Marital Agreement was valid and enforceable; However, it left open the question of whether any community property had accumulated between the date of marriage and the date that the Post-Marital Agreement was executed; In its <i>Statement of Decision</i>, the Court directed the parties select a mutually agreeable date for a status conference regarding Phase II of the case; <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Proof of Service attached to the Status Report filed 8/16/2013 shows the report was mailed on 8/16/2013 to Attorney Childs, Attorney Marchini, and the estate beneficiaries.</p>	
Cont. from				
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Reviewed by: LEG
Reviewed on: 8/27/13
Updates:
Recommendation:
File 1 – Verni

Trustees' Status Report filed 8/16/2013, continued:

- After the Court issued its ruling, [Attorney Cunningham] called and emailed Mr. Childs several times in order to select a mutually agreeable date for the status conference per the Court's request in its *Statement of Decision*; however, a date was never selected;
- After speaking with Mr. Childs in approximately May 2013, it was my understanding that he was planning on attending the hearing on 6/28/2013 in the Trust Administration matter [10CEPR00639], and we planned on asking the Court at that time to set this matter for a status conference;
- Attorney Cunningham attended the 6/28/2013 hearing in the Trust Administration matter; due to other scheduling conflicts, Mr. Childs did not appear at the hearing; however, Attorney Cunningham requested the Court set this matter for a status conference pursuant to her discussions with Mr. Childs; after the hearing, her assistant sent Mr. Childs an email informing him of the status conference on 8/30/2013;
- After the Court issued its ruling on the validity of the Post-Marital Agreement, there has been little to no progress from Petitioner Erlinda Verni regarding proceeding with Phase II of this matter;
- Attorney Cunningham has followed up with Mr. Childs several times; however, to date no progress has been made by Petitioner to proceed with Phase II.

2A In the Matter of the Verni Family Trust

Case No. 10CEPR00639

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Status Hearing

Leonarda DOD: 7/31/2000	CARMELA DeSANTIS , daughter and Trust Beneficiary, filed a <i>Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets</i> on 7/26/2012. CARMELA DeSANTIS also filed on 7/26/2012 <i>Amended Objections to First Account Current of Trustee, and Objections to Second Account Current of Trustee</i> .	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 6/28/2013.</u> Minute Order states Ms. Cunningham will file status report. The Court sets related case 10CEPR00419 [Verni Estate] for status on 8/30/2013. Mr. Childs will be given notice by the Court. <u>Note:</u> Matter is set for Court Trial on 12/6/2013 at 10:30 a.m. in Dept. 303. <u>Page 2B</u> is the <i>Petition to Remove Trustees, etc.</i> <u>Page 2C</u> is the <i>Petition to Construe Trust Provision.</i> <u>Page 2D</u> is the <i>Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.</i> <u>Note:</u> Proof of Service attached to the Status Report filed 8/20/2013 shows the report was mailed on 8/20/2013 to Attorney Bohn, Attorneys Thompson and Cunningham, Attorney Armo, and the trust beneficiaries.
Saverio DOD: 5/25/2009		
Cont. from 120512, 010313, 022113, 032213, 052413, 062113, 062813	NICOLA "NICK" VERNI , son and Successor Trustee of the SURVIVOR'S TRUST , and ANTONIETTA "ROSA" VERNI , daughter and Trustee of the MERGED FAMILY SUB-TRUST , filed a <i>Response to Petition to Remove Trustees, etc.</i> on 9/27/2012.	
Aff.Sub.Wit.		
✓ Verified		
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CARMELA DeSANTIS filed a <i>Petition to Construe Trust Provision</i> on 7/26/2012; NICK VERNI and ROSA VERNI filed a <i>Response to Petition to Construe Trust Provision</i> on 9/27/2012.		
CARMELA DeSANTIS filed a <i>Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust</i> on 8/14/2012; NICK VERNI and ROSA VERNI filed a <i>Response to Petition to Establish Claim of Ownership</i> on 9/27/12.		
~Please see additional page~		
		Reviewed by: LEG
		Reviewed on: 8/27/13
		Updates:
		Recommendation:
		File 2A – Verni

Dept. 303, 9:00 a.m. Friday, August 30, 2013

Petitioner Carmela DeSantis' Status Report filed by Joseph Marchini and Peter Fashing on 8/20/2013 states:

- **Pending Petitions:** Petitioner has several petitions and several objections to trustee accountings pending before the Court in this matter:
 - (a) Petition to (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets;
 - (b) Petition to Construe Trust Provision;
 - (c) Petition to Establish Claim of Ownership in Favor of Trust to Property and for Order Directing its Transfer to the Trustees to Hold in Trust;
 - (d) Objections to First Account Current and Report of Trustees and Petition for its Settlement;
 - (e) Amended Objections to the First Account Current and Report of Trustees; and
 - (f) Objections to the Second Account Current.
- **Additional Petitions:** The Trustees have provided, but not filed with the Court, accountings for 2011 and 2012; Counsel for Petitioner has reviewed those accountings in detail and will file objections to them which Petitioner proposed be tried with the pending petitions.
- **Discovery:** Early in this case, Petitioner served written discovery, to which the trustees have responded; the parties have agreed to an open extension of time for Petitioner to bring a motion to compel; in order to expedite the review of documents, and hopefully, the resolution of disputed transactions, Petitioner has retained a forensic accountant to review accounting records directly with the accountants retained by the Trustees;
 - Petitioner's accountant has met twice with the Trustee's accountant; the parties are in the process of scheduling an on-site review of relevant accounting records; the most recent review took place on **8/13/2013**;
 - Petitioner has requested deposition dates for the Trustees and their brother, **DINO VERNI**; Petitioner will also require depositions of the Trustees' accountant, possibly some third party vendors, and possibly some persons employed in the operation of Trust farm property; the parties anticipate taking these depositions in **September and early October**;
 - Petitioner previously proposed that the parties agree to waive percipient witness discovery cut-offs, and the Trustees are in agreement; Petitioner previously proposed that the parties agree to resolve discovery disputes on shortened noticed with the Court's assistance and consent, and the Trustees are in agreement.
- **Bifurcation:** Hearings on the various petitions and objections are scheduled for **12/6/2013**; Petitioner previously recommended severing the issue of tracing and valuing *inter vivos* gifts to a date after the Court has resolved the Trust interpretation issue set to be heard with the other petitions on **12/6/2013**, and the Trustees are in agreement.
- Petitioner has prepared a proposed stipulated order addressing the issues discussed under the [heading entitled "Discovery" above]; copy attached as *Exhibit A* [noted on additional page].

~Please see additional page~

Petitioner Carmela DeSantis has prepared a proposed *Stipulation to Bifurcate Trial, to Waive Percipient Discovery Cut-Off, and to Provide Process for Discovery Dispute Resolution; and Proposed Order* (attached as Exhibit A), stating in sum:

- The parties desire to conduct proceedings in the matter in an efficient and economical manner, and accordingly, have entered into this Stipulation;
- **Bifurcation:** Subject to Court approval, trial shall be bifurcated such that Trust interpretation issues raised in the *Petition to Construe Trust Provision* shall be tried and adjudicated first, and before trial and adjudication of any of the other petitions and objections [see *Stipulation for details*];
- **Resolution of Discovery Disputes:** The parties acknowledge that Local Rule 2.1.17 establishes a procedure for handling discovery disputes which includes a requirement that any party desiring to bring a motion to compel [...] must first request an informal Pretrial Discovery Conference to attempt to resolve any pending discovery disputes; [see *Stipulation for details re parties' agreement in the event a request for Pretrial Discovery Conference is granted*];
- **Waiver of Percipient Discovery Cut-Off:** The parties agree to waive the percipient discovery cut-off relevant to all available forms of discovery arising under applicable law and agree that the date for completion of discovery shall be deemed to be the date of trial; the parties waive the time limits for service of deposition notices and subpoenas, consumer notices and related documents; the parties shall agree to dates for depositions and, in the event they cannot, reasonable prior notice of not less than 3 court days shall be given.

Petitioner requests another status conference in approximately 30 days.

2B In the Matter of the Verni Family Trust (Trust)

Case No. 10CEPR00639

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]

Leonarda DOD: 7/31/2000	CARMELA DeSANTIS , daughter and Trust Beneficiary, is Petitioner. Petitioner states: <ul style="list-style-type: none">The VERNI FAMILY TRUST of 1999 was created by SAVERIO VERNI and LEONARDA VERNI on 6/10/1999, and was amended once by Settlor on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the VERNI MARITAL TRUST, the VERNI FAMILY TRUST, (which was amended once during both Trustors' lifetimes), and the VERNI SURVIVOR'S TRUST (copies of Trusts attached as Exhibit A); following Leonarda's death, Saverio amended the SURVIVOR'S TRUST seven times, with the <i>Eighth Amendment</i> (the final) amending the SURVIVOR'S TRUST in its entirety;Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the MERGED FAMILY SUB-TRUST;Pursuant to the Trust terms, ANTONIETTA ROSA VERNI, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the <i>Eighth Amendment</i> to Trust, NICOLA VERNI, son, is first appointed and currently serves as Successor Trustee of the SURVIVOR'S TRUST;The beneficiaries of each of the Sub-Trusts are the Settlor's five children: ANTONIETTA ROSA VERNI (Rosa), NICOLA VERNI (Nick), LEONARD VERNI (Dino), MARIA STANZIALE, and CARMELA DeSANTIS (Petitioner); and specific distributions from the Survivor's Sub-Trust are to ERLINDA MARCIANO VERNI (\$200,000.00) and ST. ANTHONY OF PADUA CATHOLIC CHURCH (\$200,000.00);Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust;Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also seeks a determination by the Court that Dino is not qualified to serve as next successor trustee of the Survivor's Sub-Trust.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 6/28/2013.</u> <u>Note:</u> Additional notes pages originally prepared with respect to this petition have been omitted.
Saverio DOD: 5/25/2009		
Cont. from 091112, 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813		
Aff.Sub.W		
<input checked="" type="checkbox"/> Verified		
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Notice of Hrg		X
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UCC/JEA		
Citation		
FTB Notice		

Reviewed by: LEG
Reviewed on: 8/27/13
Updates:
Recommendation
File 2B - Verni

2B

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Construe Trust Provision [Prob. C. 17200]

Leonarda DOD: 7/31/2000	<p>CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The VERNI FAMILY TRUST of 1999 was created by SAVERIO VERNI and LEONARDA VERNI on 6/10/1999, and was amended once by Settlor on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the VERNI MARITAL TRUST, the VERNI FAMILY TRUST, (which was amended once during both Trustors' lifetimes), and the VERNI SURVIVOR'S TRUST (copies of Trusts attached as Exhibit A); The instant petition relates to a provision contained in the SURVIVOR'S SUB-TRUST; over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements; The failure to appropriately segregate assets, liabilities, receipts and disbursements among the Sub-Trusts prevents the Court, trustee and beneficiaries from determining the size and holdings of the SURVIVOR'S SUB-TRUST; because the SURVIVOR'S SUB-TRUST will be used to fund the above-referenced equalization provision, any appropriate increase in size to that particular Sub-Trust will allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; conversely, any inappropriate decrease in the size of the SURVIVOR'S SUB-TRUST will undermine the Trustor's intent and deny the Trustee the ability to effectuate an equalization; The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions made during Saverio's lifetime should <u>not</u> be considered for purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Trustor. <p>Petitioner requests a judicial declaration from the Court concerning the proper construction of Subsection 1, of Section B, or Article IV of the SURVIVOR'S SUB-TRUST [refer to copy of Trust or Paragraph 11 of Petition for exact language requiring apportionment of the residue of the trust estate into equal shares for Trustor's living children.]</p>	NEEDS/PROBLEMS/ COMMENTS:
Saverio DOD: 5/25/2009		
Cont. from 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813		
<input type="checkbox"/> Aff.Sub.W		
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		<p>Continued from 6/28/2013.</p> <p>Note: Additional notes pages originally prepared with respect to this petition have been omitted.</p>
		Reviewed by: LEG
		Reviewed on: 8/27/13
		Updates:
		Recommendation:
		File 2C - Verni

2D In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)

Leonarda DOD: 7/31/2000 Saverio DOD: 5/25/2009 Conf. from 100212, 120512, 010313, 022113, 032213, 062113, 062813 <input type="checkbox"/> Aff.Sub.W <input checked="" type="checkbox"/> Verified <input type="checkbox"/> Inventory <input type="checkbox"/> PTC <input type="checkbox"/> Not.Cred. <input type="checkbox"/> Notice of Hrg <input type="checkbox"/> Aff.Mail <input type="checkbox"/> Aff.Pub. <input type="checkbox"/> Sp.Ntc. <input checked="" type="checkbox"/> Pers.Serv. <input type="checkbox"/> Conf. Screen <input type="checkbox"/> Letters <input type="checkbox"/> Duties/S <input type="checkbox"/> Objection <input type="checkbox"/> Video Receipt <input type="checkbox"/> CI Report <input type="checkbox"/> 9202 <input checked="" type="checkbox"/> Order <input type="checkbox"/> Aff. Post <input type="checkbox"/> Status Rpt <input type="checkbox"/> UCCJEA <input type="checkbox"/> Citation <input type="checkbox"/> FTB Notice	CARMELA DeSANTIS , daughter and Trust Beneficiary, is Petitioner. Summary of Petitioner's requests for specific relief: 1. Determining that the following is property of the Trust estate: (a) Almond crops: (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops; (b) Olive crops: (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops; (c) Other crops (Stone Fruit, Grapes, Etc.): (i) The inventory of other crop grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from the sale of the inventory and crops; (d) Other Inventory on Hand: (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from the sale of the other inventory;] (e) Proceeds from Sale of Trust Real Property: The money received by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land which sum is believed to be not less than \$1,000,000.00 ; 2. Directing each of the beneficiaries in possession or holding the property to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s); 3. Directing each of the beneficiaries in possession or holding any proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s); 4. For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and 5. For treble damages pursuant to Probate Code § 859.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 6/28/2013.</u> Note: Additional notes pages originally prepared with respect to this petition have been omitted.
		Reviewed by: LEG Reviewed on: 8/27/13 Updates: Recommendation: File 2D - Verni

Frank K. Ishii DOD: 11-10-93	GERALD ISHII , Beneficiary and Co-Trustee, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS: Continued from 7-2-12, 7-27-12, 8-31-12, 9-27-12, 11- 26-12, 1-14-13, 2-25-13, 3-29- 13, 5-17-13, 6-28-13 See Page 3 for details.
Lily Y. Ishii DOD: 3-7-05		
Cont. from 070212, 072712, 083112, 092712, 112612, 011413, 022513, 032913, 051713, 062813	Petitioner states he and LESLIE ISHII (Respondent) were named successor co-trustees of the ISHII FAMILY TRUST DATED 3-3-92 (the "Trust") . The Trust consisted of interests in 8 parcels of real property, stocks, bonds, securities, cash, and other assets in Prudential-Bache Securities, and 300 shares of common stock in Frank K. Ishii & Sons, Inc. , a California corporation owned by the Settlor.	
Aff.Sub.Wit.	At the death of Frank K. Ishii on 11-10-93, two irrevocable and one revocable sub-trusts were created:	
✓ Verified	<ul style="list-style-type: none">• The FRANK K. ISHII TRUST• The ISHII FAMILY MARITAL DEDUCTION TRUST• The ISHII FAMILY SUVIVOR'S TRUST (revocable)	
Inventory	On 3-15-95, Lily Ishii , individually and as Trustee of the Trust, assigned a 36.44% interest to the FRANK K. ISHII TRUST , a 13.56% interest to the ISHII FAMILY MARITAL DEDUCTION TRUST , and a 50% interest to the ISHII FAMILY SUVIVOR'S TRUST of the assets listed on Exhibit F, including accrued rent payable from the corporation of \$105,548 as of 11-10-93, a receivable due from the corporation of \$26,089 as of 11-10-93, and a proprietorship known as Lily's Hair Stylists consisting of furniture and fixtures, cash, supplies, inventory and goodwill.	
PTC	Lily Ishii died on 3-7-05 and he and LESLIE ISHII (Respondent) became Co-Trustees.	
Not.Cred.	Pursuant to Section 5.02 of the Trust, the three sub-trusts were to be combined on the death of the surviving settlor and certain distribution was to occur:	
✓ Notice of Hrg	<ul style="list-style-type: none">• \$75,000.00 to Sharon J. Shoji (daughter)• One-half of the remaining balance to Gerald• One-half of the remaining balance to Leslie	
✓ Aff.Mail w	As to the corporation: Petitioner and Leslie each hold 300 shares individually and the Trust holds 300 shares. Petitioner and Leslie as individuals and as Co-Trustees may vote an equal number of shares, but have been in a deadlock as to the operation of the corporation since approx. 2007. As such, the corporation's status has become suspended with many tax liabilities remaining outstanding, which continues to decrease the value of the corporation.	
Aff.Pub.	SEE PAGE 2	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
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Citation		
FTB Notice		
		Reviewed by: skc Reviewed on: 8-26-13 Updates: Recommendation: File 4A - Ishii

PAGE 2

A meeting of the directors of the corporation was noticed on 6-3-10 by Gerald, who is secretary; however, the meeting did not occur because Leslie found the principal place of business of the corporation to be an inconvenient meeting location, although it is approx. one mile from her home. No meetings have occurred since. Because the corporation is one-third owned by the trust, the deadlock between the Co-Trustees is impairing the administration of the Trust and causing trust assets to lose value.

Petitioner requests that the Court remove both Co-Trustees of the Trust and subtrusts because due to hostility and lack of cooperation among Co-Trustees, administration of the Trust and sub-trusts continue to be impaired and trust assets neglected. Probate Code §§ 15642(a)(3), 17200(b)(10). The Trust does not appoint a successor trustee in the event of removal; rather, it provides only the manner of successor appointments should one of the two become unable to perform. Petitioner requests appointment of **BRUCK BICKEL** as Successor Trustee with compensation to be approved by the Court. Mr. Bickel consents to act. Petitioner requests appointment without bond for one year to allow the corporate affairs to be brought to order, with authority to apply for an extension by Mr. Bickel should the corporate affairs remain unresolved and the Trust assets undistributed. Petitioner believes this appointment is in the best interests of the Trust and sub-trusts, and those persons interested in the Trust estate.

Petitioner requests that:

1. **The Court temporarily and partially remove Gerald Ishii and Leslie Ishii as Co-Trustees of the ISHII FAMILY TRUST DATED 3-3-92;**
2. **The Court appoint Bruce Bickel as temporary Successor Trustee to serve without bond for a period of one year, with the ability of Mr. Bickel to petition the Court for additional time should the corporate affairs remain deadlocked;**
3. **The Court award reasonable compensation to the temporary Successor Trustee;**
4. **The Co-Trustees to deliver the Trust assets to the temporary Successor Trustee within 30 days after issuance of an Order;**
5. **The Court order Leslie Ishii to file an accounting with the Court detailing their respective acts as Co-Trustees no later than four weeks after the Court makes its order;**
6. **The Court order Petitioner's attorneys' fees in the amount of \$1,000.00 and costs advanced to be paid to such attorneys directly from the Trust, to be charged 100% to income, and paid within 10 days after the Court makes its order; and**
7. **Such further orders as the Court deems proper.**

Objection of LESLIE ISHII states this probate proceeding is not the proper forum or vehicle to resolve such corporate issues. This lawsuit is premature at best and legally inapposite to the issues it proposes to resolve at worst. The corporation is deadlocked; however, the instant petition filed as a trust proceeding does not request any form of relief that will serve to end the shareholders' deadlock and restore the corporation to operational status. Specifically, the appointment of a neutral third party trustee will not resolve any issues with regard to the operation of the corporation. While a trustee may have the right to vote shares of stock held in trust, a trustee's paramount duty is to distribute trust property pursuant to the terms of the trust instrument. Here, the trust instrument requires the residue be distributed one-half each to Petitioner and Respondent. If a neutral third party trustee is appointed, he will be obligated to distribute the shares held in trust accordingly, not to vote the shares, and, in effect run the business of the corporation.

Respondent has no objection to the immediate equal distribution of the shares of the corporation currently held in trust. In the likely event that said distribution does not resolve the deadlock, however, Petitioner's only recourse will be to file a lawsuit for involuntary dissolution in the unlimited civil department of the Superior Court.

SEE PAGE 3

PAGE 2

Respondent requests that the Court issue an order requiring the Co-Trustees to immediately distribute 150 shares of Frank K. Ishii & Sons, Inc., each to Petitioner and Respondent, and for reasonable attorneys' fees and costs incurred herein.

Alternatively, Respondent requests the Court issue an order removing Petitioner and Respondent as Co-Trustees, but only as to their fiduciary ownership of the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; appointing Bruce Bickel as temporary successor trustee without bond solely for the purpose of administering the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; authorizing Mr. Bickel to petition to continue to serve should it be in the best interests of the beneficiaries or the affairs of the corporation that he remain in such role; awarding reasonable compensation to the temporary Successor Trustee; requiring the Co-Trustees to deliver the shares of Frank K. Ishii & Sons, Inc., to the temporary Successor Trustee by a date certain; for reasonable attorneys' fees and costs incurred herein; and for any and all other relief the Court deems just and proper.

Status Report filed 1-7-13 by Attorney Fanucchi states further continuance is needed. Gerald Ishii maintains his brother Leslie is wasting the vineyard known as Candy Ranch by inappropriately pruning, tying, tilling, chemical control, and irrigating control which has diminished the value of the realty.

Status Report filed 1-9-13 by Attorney Burnside states inquiry has been made to Les' accountant Jim Horn whether he has any documents in his possession regarding the expenses Les incurred to operate the Candy Ranch, but Mr. Horn has been unable to review his files due to his year-end workload. Counsel will follow up this week.

Status Report filed 2-19-13 by Attorney Fanucchi states Gerald Ishii is unable to accept or reject what has been presented to date and has forwarded information to his accountant. Further continuance is needed.

Status Report filed 2-19-13 by Attorney Burnside states the accountants had to reschedule their meeting and further continuance is needed.

Minute Order 5-17-13: Ms. Burnside advises the Court that they have resolved a few things and are making progress. Ms. Burnside further advises that the CPSs are still trying to get together.

Minute Order 6-28-13: Continued to 8-30-13.

Atty

Fanucchi, Edward L. (for Gerald Ishii – Beneficiary – Petitioner)

Atty

Marshall, Jared (for Leslie Ishii – Co-Trustee – Respondent)

Status Conference

Frank K. Ishii DOD: 11-10-93		GERALD ISHII, Beneficiary and Co-Trustee, filed the petition at Page 6A on 5-17-12.	NEEDS/PROBLEMS/COMMENTS:	
Lily Y. Ishii DOD: 3-7-05				
		LESLIE ISHII, Beneficiary and Co-Trustee, filed an objection on 6-21-12.	Note: See Page 4A for details of the petition and file to date.	
Cont. from 032913, 051713, 062813		Hearings have been continued since 7-2-12 (8 total, including this hearing).		
	Aff.Sub.Wit.	At the last hearing on 2-25-13, counsel requested continuance and in addition to continuing the petition at 6A, the Court set this additional status hearing.		
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg		As of 3-22-12, both attorneys have filed status reports requesting additional time to resolve the issues.	
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen	Status Report filed 6-25-13 by Attorney Burnside (not verified by Co-Trustee Leslie Ishii) states the parties and attorneys met on 4-19-13 to view the ranch, vines, and equipment and were able to reach agreement on certain matters. Additionally, the parties resolved an issue concerning certain funds of Frank K. Ishii & Sons, Inc., being held by Allied Grape Growers. \$214,000.00 was authorized to be disbursed to Attorney Fanucchi's client trust account pending resolution of the remaining issues regarding Les' accounting of his operation of the Candy Ranch. Although final resolution is not yet reached, the parties have been able to resolve a number of the issues and anticipate being able to resolve the balance of the issues as the parties, their counsel, and accountants continue to work together. Therefore, further continuance of the status hearing is requested.		
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8-26-13	
			Updates: 6-26-13	
			Recommendation:	
			File 4B - Ishii	

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

Status Conference

Frank DOD: 8/15/2006		BARBARA L. PEARSON , Trustors' daughter, Trust Beneficiary and Successor Trustee of the LABREE FAMILY TRUST dated 4/13/1981 , filed on 10/5/2012 a Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust , which was set for hearing on 11/29/2012.	NEEDS/PROBLEMS/COMMENTS: Page 5B is the <i>Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust</i> . Page 6 is the related matter of the <i>Frank H. Labree Irrevocable Trust</i> (12CEPR00893.) Continued from 6/28/2013. Minute Order states Mr. Werner appears via Courtcall. Counsel agrees to run this case parallel with Case 12CEPR00893 [LaBree Irrevocable Trust.] The Court orders counsel to file status reports regarding issues discussed in Court.	
Roberta DOD: 3/25/2012				
Cont. from 011813, 032213, 051013, 062813				
<input type="checkbox"/>	Aff.Sub.Wit.	TRACY SPREIER , Trustors' daughter and Trust Beneficiary, filed on 11/16/2012 Objections to the Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust , alleging self-dealing and breach of fiduciary duties by the Trustee.		
✓	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
✓	Status Rep	Joint Status Report filed by Attorneys for Objector on 8/23/2013 states: <ul style="list-style-type: none"> This joint status report is submitted by and through the respective attorneys for Petitioner Barbara Pearson and Objector Tracy Spreier; In response to Ms. Spreier's <i>Objection</i>, Ms. Pearson provided on an informal basis some information to resolve some of the issues raised by the <i>Objection</i>; several issues remain to be resolved, as follows: (a) whether a certain ring that was owned by the Decedent Roberta LaBree that Ms. Spreier received from Ms. LaBree prior to Ms. LaBree's death, is appropriately included in the accounting, regardless of what its actual value may be; (b) whether Ms. Pearson's payment, from Trust funds, can be included in the accounting (the appraisal was of certain real property that had been gifted by Roberta LaBree to her three daughters in 2010; (c) Ms. Pearson's failure to state the appraised date of death value for certain real property owned by the Trust; and (d) certain expenses paid from the Trust's funds; 		
<input type="checkbox"/>	Notice of Hrg			
✓	Aff.Mail			W /
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/S			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

~Please see additional page~

Joint Status Report filed 6/19/2013, continued:

- Written discovery in the form of a request for production of documents, requests for admissions, special interrogatories, and form interrogatories, were propounded by Objector to the Petitioner on 3/6/2013, and timely responses were received thereto;
- On 7/26/2013, the deposition of a former caregiver of Decedent, **DONNA PAYNE**, was taken in Bullhead City, Arizona, with regard to her knowledge of various facts, including those relating to the ring;
- Objector will need to conduct ~4 more depositions if the litigation regarding the inclusion of the ring in the Decedent's Trust is to continue;
- No further discovery is needed with regard to the other issues that were in dispute;
- It does not appear at this time, however, that there will be a need to proceed with any further discovery with regard to any aspect of the disputes relating to the accounting, as it appears at the time of the submission of this joint status report that the parties have been able to reach an agreement in principle for the final resolution of the matters at issue;
- It is expected that the parties will be able to provide further details as to the status of the settlement at the time of the hearing;
- While an Objection is also currently pending with regard to the Accounting in the other related case before the Court, The Frank H. LaBree Irrevocable Trust, Case 12CEPR00893, it is also expected to be resolved by the parties in conjunction with the resolution of this matter.

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust; and Approval of Trustee Fees [Cal. Prob. C. 1064(a), 17200, 17200(b)(5), CRC., Rule 7.902]

Frank DOD: 8/15/2006		BARBARA L. PEARSON , Trustors' daughter, Trust Beneficiary and Successor Trustee of the LABREE FAMILY TRUST , is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Roberta DOD: 3/25/2012			
Cont. from 112912, 011813, 032213, 051013, 062813		Account period: 3/25/2011 – 2/29/2012	<u>Continued from 6/28/2013.</u>
	Aff.Sub.Wit.	Accounting - \$1,735,662.68	
✓	Verified	Beginning POH - \$1,627,499.40	Note: Additional notes pages originally prepared for this Petition have been omitted.
	Inventory	Ending POH - \$1,563,236.09	
	PTC	(\$1,899,065.77 is cash; cash balance exceeds ending property on hand balance due to negative \$518,182.00 amount held in constructive trust by Trustee for the benefit of the Frank H. LaBree Exemption Trust.)	
	Not.Cred.	Trustee - \$25,066.50	
✓	Notice of Hrg	(per Declaration filed 11/14/2012 containing itemization for 294.90 hours @ \$85.00/hour. NOTE: Trustee has previously been paid compensation of \$14,302.50 (not itemized) from the Trust for this account period without court order per Trust terms entitling Trustee to reasonable compensation for services rendered as Trustee;)	
✓	Aff.Mail	Attorney - \$53,312.30 (paid)	
	Aff.Pub.	(to Dowling Aaron & Keeler/Dowling Aaron, as listed in Disbursements schedule; not itemized other than for legal fees)	
	Sp.Ntc.	Accountant - \$1,405.00 (paid)	
	Pers.Serv.	(to Erickson & Assoc., CPAs, as itemized in Disbursements schedule; Petitioner is employed by Erickson & Assoc.)	
	Conf. Screen	Petitioner states:	
	Letters	• ROBERTA LABREE and FRANK H. LABREE, Jr. , created the LABREE FAMILY TRUST on 4/13/1981, as amended on 5/2/1984, and as amended in full on 12/20/1991, and were the original co-trustees until Frank's death on 8/15/2006, when Roberta became the sole Trustee, and the Trust served as the Survivor's Trust for Roberta;	Reviewed by: LEG Reviewed on: 8/27/13 Updates: Recommendation: File 5B - LaBree
	Duties/Supp	•	
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

Status Conference

Frank DOD: 8/15/2006		BARBARA L. PEARSON , Trustor's daughter, Trust Beneficiary and Successor Trustee of the FRANK H. LABREE IRREVOCABLE TRUST , filed on 10/5/2012 a Petition for Settlement of First Account and Report of Trustee of the Frank H. LaBree Irrevocable Trust , which was set for hearing on 11/29/2012.	NEEDS/PROBLEMS/COMMENTS: <u>Page 6B</u> is the <i>Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust</i> .	
Roberta DOD: 3/25/2012				
Cont. from 011813, 032213, 051013, 062813		TRACY SPREIER , Trustor's daughter and Trust Beneficiary, filed on 11/16/2012 an Objection to the Petition for Settlement of First Account and Report of Trustee , alleging self-dealing and breach of fiduciary duties by the Trustee.	Continued from 6/28/2013. Minute Order states Mr. Werner appears via Courtcall. Counsel agrees to run this case parallel with Case 12CEPR00893 [LaBree Irrevocable Trust.] The Court orders counsel to file status reports regarding issues discussed in Court.	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified	<p>Joint Status Report filed by Attorneys for Objector on 8/23/2013 states:</p> <ul style="list-style-type: none"> This joint status report is submitted by and through the respective attorneys for Petitioner Barbara Pearson and Objector Tracy Spreier; In response to Ms. Spreier's <i>Objection</i>, Ms. Pearson provided on an informal basis some information to resolve 2 of the 3 issues raised by the <i>Objection</i>; The third issue, apparent self-dealing by the Trustee by modifying the interest rate of two different promissory notes owed to the Trust, remained unresolved until recently; Written discovery in the form of a request for production of documents, requests for admissions, special interrogatories, and form interrogatories, were propounded by Objector to [Ms. Pearson] on 3/6/2013, and timely responses were received; After recent discussions between the parties' attorneys, it appears that the dispute as to the remaining issue can be resolved as a part of the resolution of the other related case before this Court, the LaBree Family Trust, Case 12CEPR00628; While an Objection is also currently pending with regard to the Accounting in the related case, it is expected to be resolved in conjunction with the resolution of this matter. 		
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Status Rep			
<input type="checkbox"/>	Notc of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W /
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/S			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: LEG Reviewed on: 8/27/13 Updates: Recommendation: File 6A - LaBree	

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objecter Tracy Spreier, Beneficiary)

Petition for Settlement of First Account and Report of Trustee of the Frank H. LaBree Irrevocable Trust Dated March 26, 1992 [Cal. Prob. C. 1064(a), 17200, 17200(b)(5), CRC., Rule 7.902]

Frank DOD: 8/15/2006	BARBARA L. PEARSON , Trustor's daughter, Trust Beneficiary and Successor Trustee of the FRANK H. LABREE IRREVOCABLE TRUST , is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
Roberta DOD: 3/25/2012			
	Account period: 10/10/2008 – 12/31/2011		<u>Continued from 6/28/2013.</u>
Cont. from 112912, 011813, 032213, 051013, 062813			
Aff.Sub.Wit.	Accounting - \$456,694.10		Note: Additional notes pages originally prepared for this <i>Petition</i> have been omitted.
✓ Verified	Beginning POH - \$421,894.79		
Inventory	Ending POH - \$423,435.60 (\$334,115.35 is cash)		
PTC	Trustee (Initial) - \$3,510.00 (services prior to 10/10/2008 for initial Trustee, paid to Law Offices of Earl O. Bender)		
Not.Cred.	Trustee (Current) - \$600.00 (paid)		
✓ Notice of Hrg	Trustee Costs - \$1,379.84 (paid) (reimbursement of 2010 travel expense)		
✓ Aff.Mail W /	Attorney - Not requested		
Aff.Pub.	Accountant - \$615.00 (paid) (to Erickson & Assoc., CPAs, as itemized in Disbursements schedule; Petitioner is employed by Erickson & Assoc.)		
Sp.Ntc.	Petitioner states:		
Pers.Serv.	<ul style="list-style-type: none"> FRANK H. LABREE, Jr., created the FRANK H. LABREE IRREVOCABLE TRUST on 3/26/1992, which was funded initially by a life insurance policy on Frank (copy of Trust Agreement attached as Exhibit A); The initial Trustee was EARL O. BENDER, who resigned on 10/9/2008, and Petitioner succeeded as trustee; Petitioner is a resident of Auberry, California; 		
Conf. Screen			Reviewed by: LEG
Letters			Reviewed on: 8/27/13
Duties/Supp			Updates:
✓ Objections			Recommendation:
Video Receipt			File 6B – Labree
CI Report			
9202			
Order X			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Atty Simonian, Jeffrey D., of Penner, Bradley & Simonian (for Cory W. Brock, Executor)

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 4/9/2012		<p>CORY W. BROCK, son, was appointed Executor with Full IAEA without bond on 2/13/2013.</p> <p>Letters issued on 2/19/2013.</p> <p>Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was due 6/19/2013.</p> <p>Minute Order dated 2/13/2013 from the hearing on the petition for probate set the matter for a status hearing for filing of the final inventory and appraisal on 7/19/2013. Status Hearing was continued to 8/30/2013 by Minute Order.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 7/19/2013.</u> <i>Minute Order</i> [Judge Kapetan] states Mr. Simonian informs the Court he submitted appraisal form to Rick Smith for the appraisal.</p> <p>The following issue from the last hearing remains:</p> <ol style="list-style-type: none"> 1. Need <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 8800(b), or verified status report and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).
Cont. from 071913			
Aff.Sub.Wit.			
Verified			
Inventory	X		
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: LEG
Reviewed on: 8/27/13
Updates:
Recommendation:
File 7 – Brock

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 12/19/12		MANUEL ROJAS , brother, was appointed Administrator with Full Authority and without bond on 02/14/13.	NEEDS/PROBLEMS/COMMENTS:
		Letters of Administration were issued on 02/20/13.	OFF CALENDAR Final Inventory & Appraisal filed 08/21/13
Cont. from 071913		Inventory & Appraisal , partial No. 1 filed 05/01/13 - \$200,000.00	
Aff.Sub.Wit.			
Verified		Inventory & Appraisal , partial No. 2 filed 07/17/13 - \$114,063.05	
Inventory			
PTC		Status Report, Request for Extension of Time to Obtain Bond and Request for Extension to File Final Inventory & Appraisal filed 07/18/13 states: Administrator filed a Petition for Probate on 01/09/13, Letters of Administration were issued on 02/20/13, no bond was required at that time. Since the time that Letters were issued, Administrator has located additional heirs of the Decedent. Waivers of Bond have been obtained from some of those newly found heirs, but not from all of them. Therefore, Administrator has completed an application for a bond. Administrator would like more time to ascertain whether or not the heirs who have not waived bond would be willing to do so. Administrator believes that all heirs have been located and provided notice of the proceedings at this time.	
Not.Cred.			
Notice of Hrg		The Administrator has filed 2 partial Inventory & Appraisals. But due to the condition of the decedent's residence, the Administrator did not have enough information relating to all of Decedent's property allowing him to file a final Inventory & Appraisal at this time.	
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

8A

Atty Durost, Linda K., sole practitioner (for Manuel Rojas, Administrator)

Probate Status Hearing Re: Filing of Bond and Issuance of New Letters

DOD: 12/19/2012		<p>MANUEL ROJAS, brother, was appointed Administrator with Full IAEA authority without bond on 2/14/2013. Letters issued on 2/20/2013.</p> <p>Order on Ex Parte Petition to Amend Petition for Probate filed 7/23/2013 finds due to the inability of the Administrator to obtain waivers of bond from all intestate heirs to the estate, that bond shall be issued in the amount of \$315,000.00.</p> <p>Amended Order for Probate was filed 7/23/2013. Letters issued on 2/20/2013 were revoked on 7/23/2013.</p> <p>Notice of Status Hearing filed 7/25/2013 set this status hearing on 8/23/2013 for filing of bond and issuance of new letters. Clerk's Certificate of Mailing filed 7/25/2013 shows notice of this status hearing was mailed to Attorney Durost on 7/25/2013.</p> <p>Order on Ex Parte Petition to Increase Bond Amount filed 8/16/2013 finds the [Amended] Order for Probate is amended to show bond shall be issued in the amount of \$400,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR Bond filed 08/26/13</p> <p>Note: Declaration of Linda K. Durost Regarding Filing of Bond filed 8/21/2013 states the bonding company has issued the bond in the amount of \$400,000.00 (copy of bond signed by Manuel Rojas attached as Exhibit A), and Mr. Rojas will Federal Express the original bond to Attorney Durost upon its receipt; she requests the Court continue this status hearing to [8/30/2013] so she has time to make sure the bond is filed and to alleviate the necessity of an appearance at the 8/23/13 hearing.</p> <p>Note: Minute Order dated 7/19/2013 [Judge Kapetan] from the <u>Status Hearing Re: Filing of the Inventory and Appraisal</u> states Ms. Durost submitted amended order with bond amount to examiner in open court. Matter continued to 8/30/2013. -Final Inventory and Appraisal was filed 8/21/2013 showing an estate value of \$72,965.00 consisting of jewelry.</p> <p>Note: Report of Sale and Petition for Order Confirming Sale of Real Property is set for 9/24/2013.</p> <ol style="list-style-type: none"> 1. Need Second Amended Order for Probate to be submitted for the Court's signature indicating the total bond amount of \$400,000.00. 2. Need proof of bond to be filed with the Court showing posting of \$400,000.00 bond. <p>Note: Proposed Letters submitted by Attorney Durost for issuance have been interlineated to state "Amended Letters of Administration."</p>
Cont. from 082313			
Aff.Sub.Wit.			
Verified			
Inventory			
Proof of Bond	X		
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: LEG/JF			
Reviewed on: 8/27/13			
Updates:			
Recommendation:			
File 8B – Sanchez			

Atty Wright, Janet L (for Petitioner, Jeremy Felmus)

Atty Keeler, William ((for Petitioner, Jeremy Felmus)

Atty Poochigian, Mark S. (for Proposed Conservatee Mark T. Felmus)

Status Conference

Age: 62 years	JEREMY FELMUS, son, petitioned to have the PUBLIC GUARDIAN appointed as conservator of the estate of his father, MARK T. FELMUS .	NEEDS/PROBLEMS/COMMENTS: Petition for Approval of Settlement Agreement has been filed and is set for hearing on 9/4/2013.
	On 2/7/2003 the court appointed the PUBLIC GUARDIAN (ex parte) as temporary Conservator of the estate.	
Cont. from		
Aff.Sub.Wit.	MARK T. FELMUS, conservatee, filed a Motion for Reconsideration of Order Granting Temporary Conservatorship.	
Verified		
Inventory	Minute Order dated 4/26/2013 on the Hearing re: Conclusion of this matter/Settlement Conference set a status hearing for 6/28/2013.	
PTC		
Not.Cred.	Minute Order dated 6/28/2013 set this Status Conference.	
Notice of Hrg		
Aff.Mail	Fourth Joint Status Report of Mark T. Felmus and Jeremy Felmus filed on 8/22/201 states they have entered into a Settlement Agreement, effective as of 7/18/2013. The Settlement Agreement is conditional upon, among other things, approval by the Court. A Petition for Approval of Settlement Agreement is presently set for hearing on 9/4/2013. The parties request this status hearing be continued to 9/4/2013.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 8/27/2013
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 9 – Felmus

Probate Status Hearing Re: Filing Proof of Bond

Age:			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Bond filed 8-5-13; Letters issued 8-7-13	
DOD:				
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc				
Reviewed on: 8-26-13				
Updates:				
Recommendation:				
File 10 – Steele				

Probate Status Hearing Re: Filing Receipt of Transfer

Age:			NEEDS/PROBLEMS/COMMENTS:
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 8-26-13	
		Updates:	
		Recommendation:	
		File 11 – Assadourian	

DOD: 2-7-07		<p>LORENA GARCIA, Daughter is Administrator with limited IAEA without bond. Letters issued 7-21-08.</p> <p>On 7-14-09, the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues:</p> <p>1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and</p> <p>2) Receipt of proceeds due from an eminent domain matter</p> <p>On 10-4-11 (the 7th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made. The Court set this hearing for further status.</p> <p>Status Report filed 12-1-11 by Attorney LeVan states that Attorney Ty Kharazi filed a Notice of Appeal on behalf of his clients, the Roberts'. The Fifth District Court of Appeal has set a mediation for the parties on 12-12-11. Attorney LeVan requests to set a status hearing in March 2012 to follow the progress of the appeal.</p> <p>Minute Order 12-6-12: No appearances. Matter continued to 3-13-12.</p> <p>Minute Order 3-13-12: Counsel informs the Court that the case has been appealed. Matter continued to 9-13-12, then 3-14-13.</p> <p>Status Report filed 3-13-13 states there are no entries in the civil docket regarding appeal since 1-8-13. Until that matter is decided, we do not know what the final I&A will be. Attorney LeVan requests a six-month continuance for resolution of the appeal.</p> <p>Minute Order 3-14-13: The Court orders all attorneys involved in case 04CECG03607 appear for status conference on 4-26-13. Order to Show Cause for attorneys regarding the status of litigation and status of mediation.</p> <p>Minute Order 4-26-13: Counsel informs the Court that the appeal matter has been fully briefed. The Court directs Mr. Hannah and Mr. Littlewood to submit a joint status letter to Ms. LeVan so she can update the Court at the next hearing.</p> <p>As of 8-26-13, nothing further has been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This Probate Court has held at least 13 status conferences since January 2010 regarding status of this litigation. Need current status.</p>
Cont. from 042613			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc

Reviewed on: 4-22-13

Updates:

Recommendation:

File 12 - Garcia

Status Hearing Re: Filing of the First Account

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Order settling First Account was filed on 08/26/13	
DOD:			
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: JF			
Reviewed on: 08/27/13			
Updates:			
Recommendation:			
File 13 – Robinson-Cervantes			

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 03/13/12		JANA L. NELSON, daughter, was appointed Administrator with bond fixed at \$105,000.00 on 07/02/12.	NEEDS/PROBLEMS/COMMENTS:
		On 10/24/12, an Order Granting Petition to Revoke Full Authority to Administer the Estate and to Grant Limited Authority and Revoke the Requirement of Bond was filed.	1. Need Accounting and Petition for Final Distribution <u>or</u> current written status report pursuant to Local Rule 7.5, which states: In all matters set for status hearing, verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from			
	Aff.Sub.Wit.	Letters of Administration with Limited Authority and without bond were issued on 10/24/12.	
	Verified		
	Inventory	Inventory & Appraisal filed 01/30/13 - \$100,543.48.	
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 08/27/13
			Updates:
			Recommendation:
			File 14 – Nelson

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 10/7/2012		<p>WALTER LORENZ was appointed as Administrator with full IAEA authority and without bond on 3/23/2013.</p> <p>Letters issued on 3/29/2013.</p> <p>Minute Order dated 3/23/2013 set this status hearing for the filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 8/27/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Lorenz</p>	

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 9/29/2012		<p>MARTIN MATA RODRIGUES was appointed Executor with full IAEA authority and without bond on 3/29/2013.</p> <p>Letters issued on 3/29/2013.</p> <p>Minute Order dated 3/29/2013 set this status hearing for the filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>2. Need inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
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Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT
Reviewed on: 8/27/2013
Updates:
Recommendation:
File 16 – Bedrosian

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 3/31/2010		<p>JOSPEH W. MARTIN was appointed Administrator with full IAEA authority and without bond on 3/28/2013.</p> <p>Letters issued on 3/29/2013.</p> <p>Minute Order dated 3/28/2013 set this status hearing for the filing of the inventory and appraisal.</p> <p>Inventory and Appraisal, part 1, was filed on 3/26/2013 showing a value of \$95,000.00</p> <p>Inventory and Appraisal, supplemental, was filed on 5/7/13 showing a value of \$24,123.74</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>3. Need final inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> <p>4. Inventory and Appraisal, part 1, filed on 3/28/2013 was not signed by the attorney as required. California Rules of Court, Rule 7.501(c).</p>	
Cont. from				
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
				<p>Reviewed by: KT</p> <p>Reviewed on: 8/27/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 – Martin</p>

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Scheduled in Error
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: JF		
Reviewed on: 08/27/13		
Updates:		
Recommendation:		
File 18 - Taylor		

Probate Status Hearing Re: (1) Failure to File Inventory and Appraisal; (2) Failure to
 File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 04/19/07	EVELYN S. DUARTE , sister, was appointed Executor with full IAEA without bond on 07/10/07. Letters Testamentary were issued on 07/10/07.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 07/19/13 Minute Order from 07/19/13 states: The Court informs Petitioner she needs to file Inventory & Appraisal and also Final Distribution. Note: the Inventory & Appraisal was filed on 08/03/07. 1. Need Accounting and/or Petition for Final Distribution. Note: Petitioner filed a Request for Dismissal on 06/12/13; however the Dismissal was not entered as requested because Letters have issued and a Request for Dismissal is not acceptable to close this estate. Need Accounting and/or Petition for Final Distribution.
Cont. from 042613, 062113, 071913	Inventory & Appraisal filed 08/03/07 - \$155,000.00.	
Aff.Sub.Wit.	Notice of Status Hearing filed 03/01/13 set this matter for status. Clerk's Certificate of Mailing states that a copy of the Notice of Status Hearing was mailed to Evelyn S. Duarte on 03/01/13. Status Report filed 07/16/13 states: The estate consists solely of real property located in Fresno. The property is occupied by Evelyn Duarte, Executor, and she pays the mortgage and homeowners association dues. There are liens on the estate from the decedent's creditors. The Executor has sent letters to each of the creditors. As of the date of this report, no money has been filed or requested or accepted on this estate.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: JF Reviewed on: 08/27/13 Updates: Recommendation: File 19 – Flores		

Probate Status Hearing Re: Filing of First Account or Petition for Final Distribution
[Prob. C. 12200, et seq.]

DOD: 9-13-10		<p>EARL CUNNINGHAM, son, a resident of Carlsbad, NM, was appointed Administrator with Full IAEA without bond and Letters issued on 5-19-11.</p> <p>Inventory and Appraisals filed 12-5-12 and 1-22-13 indicate a total estate value of \$8,800.00, consisting of \$1,000.00 cash, plus a vehicle and a mobile home in Fresno.</p> <p>Creditor's Claims has been filed as follows:</p> <ul style="list-style-type: none"> \$9,845.58 filed by Phillips & Cohen Associates, LTD on behalf of RBS Citizens N.A. \$4,069.54, increases \$326 monthly, filed by Donald S. Cooley, DBA Sierra Mobile Park <p>Final account is due.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 7-12-13</u></p> <p><u>Minute Order 7-12-13:</u> The Court issues an Order to Show Cause to Earl Cunningham for failure to appear. The Court may remove the Executor and the next hearing if there is no appearance at the hearing. Greg Cooley is present court representing his interest as a creditor in this matter. The Court may impose sanctions of \$500.00 for failure to appear. Continued to: 8/30/13 at 9 am in Dept. 303. Set on: 8/30/13 at 9 am in Dept. 303 for: Order to Show Cause</p> <p><u>Note:</u> Administrator is a resident of Carlsbad, NM.</p> <p><u>Note:</u> Administrator was formerly represented by attorney Curtis Rindlisbacher; however, pursuant to Substitution filed 7-24-12, Administrator is now self-represented.</p> <p><u>Note:</u> Page 20B is Order to Show Cause re sanctions in the amount of \$500.00 for failure to appear.</p> <ol style="list-style-type: none"> Need first account or petition for final distribution, or written status report. See Probate Code §§ 11640, 12200. The original petition originally estimated the value of the estate at \$60,000.00; however, per I&A, the value of the estate totaled \$8,800.00. The Court may require clarification regarding the large discrepancy between the estimated and actual values.
Cont. from 071213			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: skc			
Reviewed on: 8-26-13			
Updates:			
Recommendation:			
File 20A – Martin			

Order to Show Cause

DOD: 9-13-10			NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCC/JEA		
	Citation		
	FTB Notice		
		<p>EARL CUNNINGHAM, son, a resident of Carlsbad, NM, was appointed Administrator with Full IAEA without bond and Letters issued on 5-19-11.</p> <p>Inventory and Appraisals filed 12-5-12 and 1-22-13 indicate a total estate value of \$8,800.00, consisting of \$1,000.00 cash, plus a vehicle and a mobile home in Fresno.</p> <p>Creditor's Claims has been filed as follows:</p> <ul style="list-style-type: none"> \$9,845.58 filed by Phillips & Cohen Associates, LTD on behalf of RBS Citizens N.A. \$4,069.54, increases \$326 monthly, filed by Donald S. Cooley, DBA Sierra Mobile Park <p>Final account is due.</p> <p>On 7-12-13, at status hearing for filing the first account or petition for final distribution, the Administrator did not appear, and the Court set this Order to Show Cause.</p> <p>Minute Order 7-12-13: The Court issues an Order to Show Cause to Earl Cunningham for failure to appear. The Court may remove the Executor and the next hearing if there is no appearance at the hearing. Greg Cooley is present court representing his interest as a creditor in this matter. The Court may impose sanctions of \$500.00 for failure to appear. Continued to: 8/30/13 at 9 am in Dept. 303. Set on: 8/30/13 at 9 am in Dept. 303 for: Order to Show Cause.</p> <p>The Order to Show Cause and a copy of the minute order were mailed to the Administrator on 7-24-13.</p>	<p></p> <hr/> <p>Reviewed by: skc</p> <hr/> <p>Reviewed on: 8-26-13</p> <hr/> <p>Updates:</p> <hr/> <p>Recommendation:</p> <hr/> <p>File 20B – Martin</p>

DOD: 1-15-09		JOE HOGG was appointed Administrator with Full IAEA without bond at hearing on 5-28-13 subject to the filing of waivers of bond by Jovanna Augman and Demetrius Augman.	NEEDS/PROBLEMS/COMMENTS:
		The Court set this status hearing for the filing of waivers or bond.	<p><u>Minute Order 5-28-13 (Judge Smith):</u> Jovanna Augman and Demetrius Augman advise the Court that they are willing to sign waivers of bond. The Court grants the petition subject to the filing of the waivers. The Court sets the matter for Status Hearing Re: the Filing of the Proof of Bond on 7/19/13, Status Hearing Re: the Filing of the Inventory and Appraisal on 10/25/13, and Status Hearing Re: the Filing of the Accounting and/or Petition for Distribution on 7/25/14. Petition granted. Order to be signed ex parte.</p> <p><u>Note:</u> One waiver is still missing. Therefore the Order appointing Mr. Hogg has not been signed or filed, and Letters have not yet issued.</p> <p>1. Need waiver from heirs Demetrius Augmon or bond of \$130,000.00.</p> <p><i>Note: A waiver was filed by Jovanna M. Augmon; however, waiver is still needed from heir Demetrius Augmon.</i></p>
Cont. from 071913			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 8-26-13
			Updates:
			Recommendation:
			File 21 – Crenshaw

Petition for Order Appointing Temporary Trustee and Directing Delivery of Assets to
Temporary Trustee

		DENNIS FREEMAN is petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Order Shortening Time signed on 8/23/2013 ordered service of the order and the petition, including all supporting documents to be accomplished by personal service no later than August 26, 2013 at 5:00 p.m. All papers opposing the petition were to be filed no later than August 28, 2013.
Cont. from			1. Need proof of personal service of the Order Shortening Time, Petition and all supporting documents on: a. Christine James (attorney for Christopher Lull) b. Christopher Lull
	Aff.Sub.Wit.		
✓	Verified		2. Need order
	Inventory		
	PTC		Note: A Settlement Conference is scheduled for 10/21/2013 on the Petition to Determine Title to and Require Transfer of Property to Trust and the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account.
	Not.Cred.		
	Notice of Hrg		Reviewed by: KT
	Aff.Mail		
	Aff.Pub.		Reviewed on: 8/27/2013
	Sp.Ntc.		
	Pers.Serv.	X	Updates:
	Conf. Screen		
	Letters		Recommendation:
	Duties/Supp		
	Objections		File 22 – Winter
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petitioner states Stephan F. Winter and Debbra L. Winter executed the Stephen and Debbra Winter Revocable Trust on 2/16/1994. The Trust was amended on 9/14/2002.

Stephen Winter died on 8/9/1995.
Debbra Winter died on 5/13/2013.

Per the Amendment to the Trust Dennis Freeman is the sole successor Trustee.

Dennis Freeman is the first cousin to Stephan Winter.

Christopher Lull is Debbra Winter's son.

Petitioner states a *Petition to Determine Title to and Require Transfer of Property to Trust* and a *Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account*, both filed by Dennis Freeman was heard by this court on 8/12/2013. During the hearing, Petitioner's counsel expressed the position that the assets of the Trust and in particular the Bank of America account number [omitted] which had a date of death value in excess of \$565,000, needed to be preserved by a neutral party pending the resolution of the two petitions. At that time, Petitioner's counsel and Respondent's counsel stipulated orally that a temporary trustee could be appointed and that Petitioner's counsel would prepare the proposed stipulation and order promptly.

Please see additional page

On 8/12/2013 Petitioner's counsel drafted the proposed stipulation and emailed it to Respondent's counsel. On 8/14/2013 Petitioner's counsel received responses indicating it was Respondent's position that they will simply preserve the Bank of America asset and the original trust binder pending the resolution of the case. In short, Respondent will not agree to a temporary trustee.

On 8/15/2013 Petitioner's counsel sent an email reminding Respondent's counsel that there was an oral stipulation with regard to the appointment of a temporary trustee and requesting information on the location and amounts of funds still remaining. Ms. James responded that the stipulation did not pertain to the appointment of a temporary trustee.

On 8/16/2013 Petitioner's counsel sent an email to Respondent's counsel informing her that Petitioner had not transferred any trust assets. He further requested information on the whereabouts of the Bank of America account monies obtained from Respondent. Ms. James responded that she advised Mr. Lull of the stipulation and while he is not happy with it he has agreed to comply.

On 8/19/2013 Petitioner's counsel sent an email to Respondent's counsel asking if Respondent has spent any of the money withdrawn for the Bank of America account and further asking if Respondent was going to comply the request to produce copies of the account information. Respondent did not provide the requested information as to the balance of the trust funds and the location of the trust funds. Rather, Respondent's counsel stated that she had received some documentation, but would not provide the information until she received clarification from her client. The question of the amount of the remaining funds and the location of the trust funds is a simple question which Respondent simply does not wish to provide.

Here, Christopher Lull, through counsel, agreed to a temporary trustee. Now, Christopher Lull does not want one to be appointed nor will he disclose the location or the amount of trust funds that remain. Even if there was confusion as to whether or not a temporary trustee was to be appointed through a stipulation and order thereon, it does not change the fact that Petitioner can have no assurance that the trust funds are not being depleted and are in fact being preserved during the pendency of this action. Indeed, Respondent's attorney stated on 8/12/2013 during the hearing that she believed her client had used some of the funds. Petitioner requested further information on these sums and a copy of the current bank account which Respondent has simply ignored. Moreover, insofar as there are two contending trustees, a temporary trustee should be appointed immediately and Christopher Lull should be required to account.

Wherefore, Petitioner prays for the following orders:

1. Notice of this petition be dispensed with;
2. A temporary trustee be appointed to take possession of all trust assets including but not limited to the Bank of America account;
3. Private professional trustee, Bruce Bickel, be appointed the temporary trustee pending the resolution of these petitions;
4. Christopher Lull be ordered to turn over all trust assets to Bruce Bickel including but not limited to Bank of America account no. [omitted]
5. Christopher Lull be ordered to account to the temporary trustee and Dennis Freeman within thirty (30) days of the court entering an order herein for any monies which were withdrawn from Bank of America Account no. [omitted] and not transferred to the temporary trustee; and
6. Granting such other orders and the court deems necessary.